AFFIDAVIT

SOUTH AFRICAN POLICE SERVICE

I, Nicole Dreyer, ID no: 710825 0046 08 7, Age 49, Sex F, Residing at 24 Woodgate Road, Plumstead, Cell: 081 479 7224, Employed at: Self Employed

STATES UNDER OATH / COMFIRMS IN ENGLISH THAT

1. I approached maintenance court for two separate cases of back maintenance against two separate ex-husbands in 2019.

2. Mark Timothy Holgate and Jamie Elkon were the defendants in each case respectively.

3. I did not receive a summons or notification of the court appearances for either case and I only found out when to appear when I contacted Mark Holgate directly and the Clerk of Maintenance Court for Jamie Elkon's case for court dates.

4. I appeared in Court 6 with the same Prosecutor attending both cases.

5. In both cases the Defendants had legal representation.

6. The first court appearance was with Mark Timothy Holgate.

7. On my application and verbally in court, I informed the Prosecutor that, somehow, the consent paper agreed upon prior to the final divorce had not been filed and the legal divorce order was different which had only come to my attention recently due to documents being requested for a children's court matter.

8. The consent paper had been signed by Mark Timothy Holgate but had not been signed by me. I confirmed that this was what Mark Timothy Holgate and I had been adhering to as an agreement for the prior 4 years on the maintenance application and verbally during the court appearance.

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FURTHER STATES UNDER OATH / COMFIRMS IN ENGLISH THAT

9. R22 000 was owing as back maintenance according to the consent paper for Medical Aid fees that I had covered in Mark's place as a part of our agreement.

10. R44 000 was owing according the the Final Order of Divorce.

11. The Prosecutor of Court 6 told me that due to the fact that I had agreed to the consent paper via email prior to the divorce, had been following it as per the agreement for four years and had also confirmed that this was what we had been following verbally in court that she would not refer to the legal Final Divorce Order for the case even though I had not signed the consent paper.

12. The Prosecutor of Court 6 then said that Mark Timothy Holgate and I should adhere to the Final Order of Divorce moving forward as this was the only legally binding document.

13. When I requested that I be reimbursed for the R22 000 of back maintenance owing from the consent paper, the Prosecutor of Court 6 told me that she could not order the Defendant to pay this back to me as the consent paper agreed upon was not a legally binding document, even though it was signed by Mark Timothy Holgate and a witness.

14. Mark Timothy Holgate chose, thus, to not reimburse me for the funds that I paid in his stead (as per our maintenance agreement) to ensure that our son had adequate medical cover.

15. During the second case I appeared with Jamie Elkon.

16. Prior to entering Court 6 I heard the lawyer representing Jamie Elkon say that he was just going to "make nice" with the Prosecutor on the case.

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17. Jamie Elkon had also not upheld his maintenance agreement to cover our daughter's medical costs and she had remained on my medical plan for six years.

18. Jamie Elkon had also openly told me that he had spent our daughter's education fund some years prior which he was bound by our maintenance agreement to continue to maintain.

19. I never received personal maintenance and only requested a relatively minor amount for each child from the father – to clarify.

20. Mark Timothy Holgate is the CEO of a PTY Ltd and Jamie Elkon is a successful Clinical Psychologist in private practice. Both are, and always have been, in dual income households while I have maintained a single income household (trauma related love avoidance).

21. In the court appearance with Jamie Elkon we had a mediation document that I referred to and the Prosecutor of Court 6 told me that we should adhere to the legal Final Order of Divorce, regardless. (opposite ruling by the same Prosecutor)

22. During the court appearance Jamie Elkon lied about his non-payment of the Medical Cover.

23. During the court appearance Jamie Elkon lied about having re-initiated our daughter's education fund.

24. The Prosecutor of Court 6 allowed Jamie Elkon to simply promise to pay for our daughter's higher education and did not comment further on the stolen education fund.

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25. The Prosecutor of Court 6 was about to dismiss the case until I showed her some emails from Jamie Elkon that were highly abusive and shared more of the history.

26. The Prosecutor of court 6 then told me to provide proof of our daughter being on my medical aid and said she would wait to see such to make a final decision on whether to prosecute or not.

27. I had proof of both Jamie Elkon and my daughter being on my medical aid on my phone and confirmed that I would present hard copy proof to the court to follow up on the case with as the Prosecutor of Court 6 did not ask to see it when I offered to show her.

28. Due to the case in children's court and COVID I have not had time to provide relevant documents and add them, attached herewith and marked, "**JE 1.**"

29. I handed spreadsheets regarding costs and maintenance for the case against Jamie Elkon, shortly after I made the initial application, to the Maintenance Clerk and these financial statements were not included in the court file when I appeared in Court 6.

30. I have requested copies of both case files (Jamie Elkon and Mark Timothy Holgate) in writing from the Maintenance Clerk and have received no response.

31. I have notified the Maintenance Clerk of the missing documents from the Jamie Elkon case in writing and have had no response.

32. I informed the Maintenance Clerk that Mark Timothy Holgate had told the presiding officer in the case in Children's Court the day prior that we were following the Final

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Divorce Order (as he wanted parental rights and responsibilities therein to be adhered to in place of those in the consent paper) and requested clarity on this and why the signed consent paper was not considered a legal document if the Prosecutor of Court 6 had said it was the one that should be referred to during the court appearance. I received no reply from the Maintenance Clerk or BADISA regarding this discrepancy.

33. The Superior official of the Maintenance Clerk suggested I to go to Civil Court to claim the back maintenance of R22 000. I did not have time (I am self-employed) or financial resources for an attorney to do so.

34. The lack of funds owing, that I was expecting to be paid back at that time threw me into severe financial stress. I am now financially bankrupt due to ongoing legal processes in Children's Court, further action required by additional non-adherance to maintenance agreements by Mark Holgate and a Civil Case regarding a false allegation of fraud by Mark Holgate.

35. Mark Timothy Holgate approached maintenance court for a reduction in maintenance in 2020.

36. The case was dismissed due to Mark Timothy Holgate not providing relevant financial documents to the court.

37. Mark Timothy Holgate then took me to Civil Court to apply for a variation of the Divorce Order that we were told to adhere to moving forward by the Prosecutor of Court 6 as the current maintenance agreement, claiming that I had committed fraud to start a Motion of Notion (for reduced maintenance and inclusion of parental rights and responsibilities on the legal Divorce Order that he preferred to those of the consent paper).

AND

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38. Mark Timothy Holgate was represented by Cattow, Neethling and WIID in Civil Court and I defended myself due to lack of funds for legal representation.

39. The presiding officer in Civil Court J ruled in favour of the variation sought and ignored my pleas to exclude parental rights and responsibilities which were currently being addressed in Children's Court.

40. The variation was approved including the parental rights in responsibilities of the legal Final Order of Divorce that Mark Timothy Holgate maintained was fraudulently created and that should not be adhered to and the maintenance agreement of the consent paper that had not been made a legal document.

41. My concerns regarding my lack of legal representation, addressed to the presiding Magistrate directly (prior to her allowing the stenographer to begin recording) when she agreed to include parental rights and responsibilities in the variation were ignored. She assured me that the order could be varied in the case pending in Children's Court.

42. I was almost in tears and showed her that my hands were shaking. She still went ahead with the case and made the ruling, despite my verbal concerns that the case was complicated (a history of dishonesty and abuse) and that she had not had adequate time to go over the pleas, affidavits and motions presented prior to the hearing and my request for a pre-trial conference was not heard.

43. My request, herewith, is that the Clerk of Maintenance court add the evidence regarding the back maintenance owed by Jamie Elkon to the file for the maintenance case against him and inform the Prosecutor of Court 6 that such is received.

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44. I request that this Affidavit be provided to the Prosecutor of Court 6 as further information regarding both cases that she handled.

45. Our daughter turned 18 in August 2020. Jamie Elkon is the father.

46. If the Prosecutor of Court 6 will not proceed with the case against Jamie Elkon due to this, please advise me in writing via email or telephone as I am high risk for COVID (Lung Condition) and am not supposed to appear in public spaces.

47. I am dropping off a hard copy of this Affidavit due to not being allowed to serve electronic documents to the Clerk of Maintenance Court, despite being high risk for COVID and the long wait in queues.

48. My cell-phone contract has been cancelled due to non-payment and my phone number has changed to 081 479 7224 for future correspondence.

49. Jamie Elkon has repeatedly refused to answer emails requesting mediation or settlement regarding this, even though I have sent him proof of the medical aid coverage on my Discovery Plan attached herewith.

Ek sertifiseer dat bostaande verklaring deur my afgeneem is en dat die verklaarder erken dat hy/sy vertroud is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my beëdig/bevestig en verklaarder se handtekening/merk/duimafdruk is in my teenwoordigheid daarop aangebring.

I certify that the above statement was taken by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to/affirmed before me and deponent's signature/mark/thumbprint was placed thereon in my presence.

te/at ... op/on ... om/at ... h.

D. SAAIMAN

(HANDTEKENING) KOMMISSARIS VAN EDE
(SIGNATURE) COMMISSIONER OF OATHS

VOLLE VOORNAME EN VAN IN DRUKSKRIF
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

BESIGHEIDSADRES (STRAAT ADRES)
BUSINESS ADDRESS (STREET ADDRESS)

RANG
RANK

SA POLISIE
SA POLICE

Nicole Dreyer (Dreyer-Holgate) (ID: 710825 0046 08 7)

SUID-AFRIKAANSE POLISIEDIENS
DIST. 3
STASIEBEVELVOERDER
05 NOV 2020
STATION COMMANDER
DIEPRIVIER, K.P./C.P.
SOUTH AFRICAN POLICE SERVICE